

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DALE ZITZ, II,

Defendant-Appellant.

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UNPUBLISHED

November 21, 2000

No. 215304

Wayne Circuit Court

LC No. 97-003955

Before: Jansen, P.J., and Doctoroff and O'Connell, JJ.

O'CONNELL, J. (concurring).

I concur with the result that the majority reaches. I write separately because I do not share the majority's view that the photographs of the gang graffiti were inadmissible. I agree with the trial court that the graffiti was in plain view and that the photographs represented that which the police lawfully observed. I agree with the balance of the majority's analysis.

/s/ Peter D. O'Connell